

### **REMARKS**

Claims 1-28 are pending, and the independent claims are 1, 10, 21, and 24. Claims 2-5, 10-20, 22, and 24-28 are indicated to be allowable. Claims 1, 6-9, 21, and 23 are rejected.

Claim 3 is now amended merely to place it in independent form, so that it is in condition for allowance.

Independent claims 1 and 21 are rejected under 35 U.S.C. § 102(e) as anticipated by *Wang* (U.S. Patent No. 6,526,531).

#### **Independent Claims 1 and 21 are Not Suggested By *Wang***

A very important feature of present claims 1 and 21 is that “typicality standards ... vary” with channel quality deficiency. However, the Office Action does not mention anything about typical standards, not does *Wang* disclose anything about variable typicality standards.

The importance of this feature of the invention is discussed, for example, at page 3 of the application, where the following is stated:

[T]he present invention detects and analyzes atypical sound with a stringency dependent upon channel quality. The more deficient the channel quality, the higher the typicality standards. This use of channel quality data is an advantage over related art, which does not correlate typicality standards to channel quality. The present invention deals with perfect channel quality by completely relaxing typicality standards, and thus the present invention will not attempt to repair error-free sound as happens in related art. Moreover, because the invention correlates stringency standards to channel quality, this invention becomes more inclined to take corrective action when channel quality is low. This invention thus avoids the very dramatic audible artifacts caused by mistakenly allowing bad frames through to the listener.

Because variable typicality standards are not mentioned in the Office Action or in the cited reference, Applicant respectfully submits that the present independent claims 1 and 21 should be allowed.

Applicant respectfully notes that the variable typicality standards of the present claims 1 and 21 “vary with channel quality deficiency,” which further limits the present claims 1 and 21 in a way that is not discussed in the Office Action or in the cited *Wang* reference.

The *Wang* reference describes the processor **306** at column 6. It is clear from *Wang*’s column 6 that the processor **306** lacks the attributes of the processor claimed in present claim 1. *Wang* discusses the possibility that the processor **306** may mistakenly determine that a bad frame is correct (see column 6, lines 27-31), but *Wang* then explains that such an effect will be “negligible.” In contrast, the present claimed invention is directed at a situation where that effect is not negligible, and thus the present invention solves a problem that *Wang* does not address.

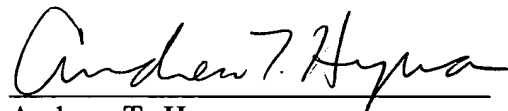
### CONCLUSION

Early allowance of the four independent claims (and the pending claims depending therefrom) is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant’s attorney by telephone if the Examiner detects anything in the pending claims that might hinder allowance.

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